

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,

v.

PAMELA MOZEE,

Defendant.

1:15-cr-434-WSD

CORRECTED OPINION AND ORDER¹

In accordance with the Court's March 9, 2017, telephone conference with the parties, the United States Marshals Service is directed to return Defendant Pamela Mozee to the Northern District of Georgia as soon as practicable. Defendant's Motion for Release from Commitment [54] is granted.

Pursuant to the Bail Reform Act, the Court may detain a defendant that poses a flight risk or a danger to the community. See 18 U.S.C. § 3142(e). The Bail Reform Act's default rule of release pending trial is reversed, and detention is presumed, for certain particularly dangerous defendants. 18 U.S.C. § 3142(e)(3); United States v. Quartermaine, 913 F.2d 910, 915 (11th Cir. 1990). If a defendant

¹ This Corrected Opinion and Order is issued to correct scriveners-error references to 18 U.S.C. § 3142(d). Defendant's detention is pursuant to 18 U.S.C. § 3142(e).

is charged with a crime of violence or a drug trafficking offense, it is presumed by the statute that no condition or combination of conditions will assure the appearance of the defendant or the safety of the community. 18 U.S.C.

§ 3142(e)(3). Specifically, Section 3142(e)(3)(A) provides that a rebuttable presumption arises if a court finds there is probable cause to believe the defendant committed “an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.)”

18 U.S.C. § 3142(e)(3)(A)


Defendant is charged with drug trafficking offenses under 21 U.S.C.

§§ 841(a)(1), 841(b)(1)(C), and 843(b). Section 841(b)(1)(C) provides a maximum term of imprisonment of 20 years. Because Defendant is charged with a crime for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act, there is a statutory presumption that she poses a danger to the community. 18 U.S.C. § 3142(e)(3). Accordingly, the United States Marshals Service is directed to detain Defendant in an appropriate facility. “Once the statutory presumptions are raised, the defendant carries the burden of production to come forward with evidence to rebut the presumptions.”

Quartermaine, 913 F.2d at 916. Defendant may, at the March 17, 2017, hearing in this matter, present evidence regarding the presumption that applies.

IT IS HEREBY ORDERED that Defendant's Motion for Release from Commitment [54] is **GRANTED**. The United States Marshals Service is **DIRECTED** to return Defendant Pamela Mozee to the Northern District of Georgia as soon as practicable. Pursuant to 18 U.S.C. § 3142(e), the United States Marshals Service is **DIRECTED** to detain Defendant in an appropriate facility in the Atlanta metropolitan area.

SO ORDERED this 21st day of March, 2017.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE